

**Community Services Office (CSO) Immigration Training
Questions & Answers
August 28, 2002**

***IMMIGRATION ISSUES**

Entry Date:

What entry date is used for ALAS Screen?

If a Qualified Alien has been continuously living in the United States (U.S.) before August 22, 1996 enter that date on the ALAS screen.

Examples:

- A. A person came to the US in 1992 as an undocumented alien, and **resided** in the US since that time, making annual trips to country of origin to visit parents. She recently self-petitioned INS as a battered alien (BA). A battered alien is a qualified alien and her entry date is 1992. Enter 1992 on the ALAS screen.
- B. A person came to the US in 1992 as a visitor for three months. The person returned in 1994 as a student and returned to country of origin in 1995. She returned to the US after she obtained Lawful Permanent Residence (LPR) status on October 10, 2001. She did not continuously reside in the US prior to 8/22/96. Enter 10/10/01 on the ALAS screen.

If a person did not continuously reside in the US prior to 8/22/96, qualified aliens are subject to a **five-year ban** (unless exempt).

The five-year ban **begins** on the date of the person's entry into the US with an INS status within the meaning of the term-qualified alien.

Examples:

- A. A person came to the US in 1997 as an undocumented alien, She recently self-petitioned INS as a battered alien on April 15, 2002. A battered alien is a qualified alien subject to a five-year ban. Her entry date equals the date she obtained qualified alien status. Enter 4/15/02 on the ALAS screen. She is eligible for federal programs in 4/2007.
- B. A person entered the US on November 5, 1997 with parolee status. A parolee is a qualified alien with a five-year ban. Enter an entry date of 11/5/97 on the ALAS screen.

How do you count the 5 years?

A person with an entry date of 8/22/96 or before does not have a five-year ban.

A person with an entry date after 8/22/96 has a five-year ban that begins on the date the person achieved qualified alien status. This person does not "get credit" towards the five-year ban for time in the US as an "unqualified alien".

How does a child obtain citizenship through their parents?

Under the Child Citizenship Act of 2000, the in order for the child to become a citizen the child must meet the following requirements:

- One parent is a US citizen (by birth or naturalized)
- The child is under age 18
- The child is currently in the legal custody of the US citizen parent
- The child is *lawful permanent resident*

The citizenship E-Z chapter is being changed to reflect this federal regulation.

***PRUCOLs**

Are (Person Residing Under Color of Law) eligible for Medicaid?

A PRUCOL is not a Qualified Alien. Only a person with Qualified Alien status may be considered for a Medicaid program. A PRUCOL may be considered for pregnancy medical or for Alien Emergency Medical (AEM).

***Alien Emergency Medical:**

What application form does a client need to use for Alien Emergency Medical application?

For a current client, who is transitioning from one of the state funded programs to Alien Emergency Medical, no review form is required. An ex parte re-determination is needed. You may request verification of any questionable information. Do not continue benefits after September 30, 2002 while completing the re-determination for Alien Emergency Medical.

If it is a new application for Alien Emergency Medical, have the applicant complete the appropriate application.

What review form is used to review the Alien Emergency Medical cases?

Aces send the form automatically to the client once every 3 months.

How long is a client certified for if they meet the “Copes” or Institutional criteria?

All Alien Emergency Medical certifications are for 3-months and then must be reviewed. The extension will be approved if the client’s condition has not changed. The verification should be a fairly simple process.

Is a 3-month review required for all Alien Emergency Medical cases?

Yes. At each review a person must be categorically related, be eligible for the related program, **and** have a condition that meets an emergent medical condition.

Can you be Medically Needy and be eligible for Alien Emergency Medical?

Yes. They must meet all categorical requirements, satisfy spend-down requirements **and** have an emergent medical condition.

What is the process for forwarding Alien Emergency Medical determinations to MAA Medical Staff?

The information and process needed from the CSOs to make acute and emergent determinations on the Alien Emergency Medical (AEM) Program:

1. Send the request on 0065-08 Emergency Medical Condition Determination
- Internal form
2. Clearly indicate that it is an Alien Emergency Medical determination
(rather than MI or GAU)
3. Diagnosis/Treatment
4. All of the following that are applicable: Medical History/Chart Notes,
Physical, Lab Report, X-ray Report, Procedures, Operative Reports, ER
reports
5. Any other information that may effect determination
6. Fax to: 360-586-1590

***FAIR HEARINGS:**

Is this population (Transition) entitled to a Fair Hearing?

The elimination of the program does not entitle them to a fair hearing since the transition is a change in law.

If the client disagrees with the information related to the immigration status that would entitle them to Medicaid services, they are entitled to a fair hearing and continued assistance. The only program available after September 30,2002, during this process is Alien Emergency Medical.

